



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 7, 1998

Ms. Christine Mirbagheri
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-1163

Dear Ms. Mirbagheri:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115511.

The City of Dallas (the "city") received a request for "information regarding the number of 911 emergency calls emanating from [the general area of the site of a homicide that occurred at 2633 Manana Street in Dallas, Texas] three months prior to the date [of the homicide]." You assert that the requested information is excepted from required public disclosure based on section 552.108 of the Government Code. You submitted to this office what you say is a representative sample of the requested information, the offense report.¹

Section 552.108 of the Government Code reads in relevant part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You inform us that the offense report "deals with an open record of prosecution in which there is further pending investigation." Additionally, you have submitted to this office a letter from a Dallas County Assistant District Attorney, Mr. Donald G. Davis. Mr. Davis indicates that he is the prosecutor in the case and asks that the city not release the investigative file.

We believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime." Section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic information, the city may withhold the report from disclosure based on section 552.108(a)(1).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 115511

Enclosures: Submitted documents

cc: Ms. Becky Chavez
Legal Adjuster
Otstott & Andrews, P.C.
CityPlace Center
2711 N. Haskell Avenue, Suite 2160
Dallas, Texas 75204
(w/o enclosures)